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LUZ ZENDEJAS

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LUZ ZENDEJAS,

Plaintiff,

vs.

BT VINELAND LLC; and DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR  
VIOLATION OF:

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT, CAL CIV. CODE §§ 51 -  
52 et seq.;
3. CALIFORNIA'S DISABLED  
PERSONS ACT, CAL CIV. CODE §54 et  
seq.
4. CALIFORNIA'S UNFAIR  
COMPETITION ACT, CAL BUS & PROF  
CODE § 17200, et seq.
5. NEGLIGENCE

Plaintiff LUZ ZENDEJAS ("Plaintiff") complains of Defendants BT VINELAND  
LLC; and DOES 1 to 10 ("Defendants") and alleges as follows:

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**JURISDICTION AND VENUE**

1  
2 1. The Court has jurisdiction of this action pursuant to 28 USC §1331 for  
3 violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et seq.*)

4 2. Pursuant to pendant jurisdiction, attendant and related causes of action,  
5 arising from the same nucleus of operating facts, are also brought under California law,  
6 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
7 54, 54., 54.3 and 55.

8 3. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
9 property which is the subject of this action is located in this district, Los Angeles County,  
10 California, and Plaintiff's causes of actions arose in this district.

**PARTIES**

11  
12 4. Plaintiff is a California resident with a physical disability with substantial  
13 limitations in her ability to walk. Plaintiff is diagnosed with multiple sclerosis which  
14 resulted in nerve damage and requires the use of a wheelchair at all times when traveling  
15 in public.

16 5. Defendants are, or were at the time of the incident, the real property owners,  
17 business operators, lessors and/or lessees of the real property for a furniture store  
18 ("Business") located at or about 5420 Vineland Ave., North Hollywood, California.

19 6. The true names and capacities, whether individual, corporate, associate or  
20 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
21 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
22 Court to amend this Complaint when the true names and capacities have been  
23 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such  
24 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
25 Plaintiff for the acts herein alleged.

26 7. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
27 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
28 Defendants, and/or was acting in concert with each of the other Defendants, and in doing

1 the things alleged herein was acting with the knowledge and consent of the other  
2 Defendants and within the course and scope of such agency or employment relationship.

3 8. Whenever and wherever reference is made in this Complaint to any act or  
4 failure to act by a defendant or Defendants, such allegations and references shall also be  
5 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
6 and severally.

### 7 **FACTUAL ALLEGATIONS**

8 9. In or about November of 2022, Plaintiff went to the Business. The Business  
9 is a furniture store business establishment, which is open to the public, and is a place of  
10 public accommodation and affects commerce through its operation. Defendants provide  
11 parking spaces for customers.

12 10. While attempting to enter the Business during each visit, Plaintiff personally  
13 encountered a number of barriers that interfered with her ability to use and enjoy the  
14 goods, services, privileges, and accommodations offered at the Business. To the extent  
15 of Plaintiff's personal knowledge, the barriers at the Business included, but were not  
16 limited to, the following:

- 17 a. Defendants failed to comply with the federal and state standards for  
18 the parking space designated for persons with disabilities. Defendants  
19 failed to provide any parking space designated for persons with  
20 disabilities.
- 21 b. Defendants failed to comply with the federal and state standards for  
22 the parking space designated for persons with disabilities. Defendants  
23 failed to provide the parking space identification sign with the  
24 International Symbol of Accessibility.
- 25 c. Defendants failed to comply with the federal and state standards for  
26 the parking space designated for persons with disabilities. Defendants  
27 failed to post required signage such as "Van Accessible," "Minimum  
28 Fine \$250" and "Unauthorized Parking."

- d. Defendants failed to maintain the parking space designated for persons with disabilities to comply with the federal and state standards. Defendants failed to provide proper van accessible space designated for the persons with disabilities.
- e. Defendant failed to maintain the parking space designated for persons with disabilities to comply with the federal and state standards. Defendants failed to paint the ground as required.
- f. Defendants failed to maintain the parking space designated for persons with disabilities to comply with the federal and state standards. Defendants failed to mark the space with the International Symbol of Accessibility.

11. These barriers and conditions denied Plaintiff the full and equal access to the Business. Plaintiff wishes to patronize the Business again. However, Plaintiff is deterred from visiting the Business because her knowledge of these violations prevents her from returning until the barriers are removed.

12. Based on the violations, Plaintiff alleges, on information and belief, that there are additional barriers to accessibility at the Business after further site inspection. Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

13. In addition, Plaintiff alleges, on information and belief, that Defendants knew that particular barriers render the Business inaccessible, violate state and federal law, and interfere with access for the physically disabled.

14. At all relevant times, Defendants had and still have control and dominion over the conditions at this location and had and still have the financial resources to remove these barriers without much difficulty or expenses to make the Business accessible to the physically disabled in compliance with ADDAG and Title 24 regulations. Defendants have not removed such barriers and have not modified the Business to conform to accessibility regulations.

**FIRST CAUSE OF ACTION**

**VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

15. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

16. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation. *See* 42 U.S.C. § 12182(a).

17. Discrimination, *inter alia*, includes:

- a. A failure to make reasonable modification in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- b. A failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden. 42 U.S.C. § 12182(b)(2)(A)(iii).
- c. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an

1 establishment for transporting individuals (not including barriers that  
2 can only be removed through the retrofitting of vehicles or rail  
3 passenger cars by the installation of a hydraulic or other lift), where  
4 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

- 5 d. A failure to make alterations in such a manner that, to the maximum  
6 extent feasible, the altered portions of the facility are readily  
7 accessible to and usable by individuals with disabilities, including  
8 individuals who use wheelchairs or to ensure that, to the maximum  
9 extent feasible, the path of travel to the altered area and the  
10 bathrooms, telephones, and drinking fountains serving the altered  
11 area, are readily accessible to and usable by individuals with  
12 disabilities where such alterations to the path or travel or the  
13 bathrooms, telephones, and drinking fountains serving the altered  
14 area are not disproportionate to the overall alterations in terms of cost  
15 and scope. 42 U.S.C. § 12183(a)(2).

16 18. Where parking spaces are provided, accessible parking spaces shall be  
17 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
18 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
19 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
20 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
21 be van parking space. 2010 ADA Standards § 208.2.4.

22 19. Under the ADA, the method and color of marking are to be addressed by  
23 State or local laws or regulations. *See* 36 C.F.R., Part 1191. Under the California  
24 Building Code (“CBC”), the parking space identification signs shall include the  
25 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
26 with a minimum area of 70 square inches. Additional language or an additional sign  
27 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
28 parking space identification sign shall be permanently posted immediately adjacent and

1 visible from each parking space, shall be located with its centerline a maximum of 12  
2 inches from the centerline of the parking space and may be posted on a wall at the  
3 interior end of the parking space. *See* CBC § 11B-502.6, *et seq.*

4 20. Moreover, an additional sign shall be posted either in a conspicuous place at  
5 each entrance to an off-street parking facility or immediately adjacent to on-site  
6 accessible parking and visible from each parking space. The additional sign shall not be  
7 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in  
8 letters with a minimum height of 1 inch the following: "Unauthorized vehicles parked in  
9 designated accessible spaces not displaying distinguishing placards or special license  
10 plates issued for persons with disabilities will be towed always at the owner's expense..."  
11 *See* CBC § 11B-502.8, *et seq.*

12 21. Here, Defendants failed to provide any parking space designated for persons  
13 with disabilities. Defendants also failed to provide the parking space identification sign  
14 with the International Symbol of Accessibility. In addition, Defendants failed to provide  
15 signs stating "Minimum Fine \$250" and "Van Accessible." Moreover, Defendants failed  
16 to provide the additional sign with the specific languages stating "Unauthorized vehicles  
17 parked in designated accessible spaces not displaying distinguishing placards or special  
18 license plates issued for persons with disabilities will be towed always at the owner's  
19 expense..."

20 22. For the parking spaces, access aisles shall be marked with a blue painted  
21 borderline around their perimeter. The area within the blue borderlines shall be marked  
22 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting  
23 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall  
24 be painted on the surface within each access aisle in white letters a minimum of 12 inches  
25 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §  
26 11B-502.3.3.



23. Here, Defendants failed to properly maintain the access aisles as there were no “NO PARKING” and no blue lines painted on the parking surface. Moreover, Defendants failed to provide the access aisle with the minimum width of 96 inches.

24. The surface of each accessible car and van space shall have surface identification complying with either of the following options: The outline of a profile view of a wheel chair with occupant in white on a blue background a minimum 36” wide by 36” high (914 mm x 914 mm). The centerline of the profile view shall be a maximum of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the length of the parking space and its lower side or corner aligned with the end of the parking space length or by outlining or painting the parking space in blue and outlining on the ground in white or a suitable contrasting color a profile view of a wheel chair with occupant. *See* CBC § 11B-502.6.4, *et seq.*

25. Here, Defendants failed to paint the International Symbol of Accessibility on the surface as required.

26. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a). By failing to maintain the facility to be readily accessible and usable by Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related regulations.

27. The Business has denied and continues to deny full and equal access to Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be discriminated against due to the lack of accessible facilities, and therefore, seeks injunctive relief to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities.

## **SECOND CAUSE OF ACTION**

### **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

28. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.



1           29. California Civil Code § 51 states, “All persons within the jurisdiction of this  
2 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
3 national origin, disability, medical condition, genetic information, marital status, sexual  
4 orientation, citizenship, primary language, or immigration status are entitled to the full  
5 and equal accommodations, advantages, facilities, privileges, or services in all business  
6 establishments of every kind whatsoever.”

7           30. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
8 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
9 for each and every offense for the actual damages, and any amount that may be  
10 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
11 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
12 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
13 person denied the rights provided in Section 51, 51.5, or 51.6.

14           31. California Civil Code § 51(f) specifies, “a violation of the right of any  
15 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
16 shall also constitute a violation of this section.”

17           32. The actions and omissions of Defendants alleged herein constitute a denial  
18 of full and equal accommodation, advantages, facilities, privileges, or services by  
19 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
20 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
21 51 and 52.

22           33. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
23 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
24 damages as specified in California Civil Code §55.56(a)-(c).

25                           **THIRD CAUSE OF ACTION**

26                   **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

27           34. Plaintiff incorporates by reference each of the allegations in all prior  
28 paragraphs in this complaint.

1           35. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
2 entitled to full and equal access, as other members of the general public, to  
3 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
4 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
5 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
6 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
7 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
8 places of public accommodations, amusement, or resort, and other places in which the  
9 general public is invited, subject only to the conditions and limitations established by  
10 law, or state or federal regulation, and applicable alike to all persons.

11           36. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
12 corporation who denies or interferes with admittance to or enjoyment of public facilities  
13 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
14 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
15 the actual damages, and any amount as may be determined by a jury, or a court sitting  
16 without a jury, up to a maximum of three times the amount of actual damages but in no  
17 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
18 determined by the court in addition thereto, suffered by any person denied the rights  
19 provided in Section 54, 54.1, and 54.2.

20           37. California Civil Code § 54(d) specifies, “a violation of the right of an  
21 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
22 constitute a violation of this section, and nothing in this section shall be construed to limit  
23 the access of any person in violation of that act.

24           38. The actions and omissions of Defendants alleged herein constitute a denial  
25 of full and equal accommodation, advantages, and facilities by physically disabled  
26 persons within the meaning of California Civil Code § 54. Defendants have  
27 discriminated against Plaintiff in violation of California Civil Code § 54.  
28

1           39. The violations of the California Disabled Persons Act caused Plaintiff to  
2 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
3 statutory damages as specified in California Civil Code §55.56(a)-(c).

4                           **FOURTH CAUSE OF ACTION**

5                           **UNFAIR COMPETITION ACT**

6           40. Plaintiff incorporates by reference each of the allegations in all prior  
7 paragraphs in this complaint.

8           41. Defendants have engaged in unfair competition, unfair or fraudulent  
9 business practices, and unfair, deceptive, untrue or misleading advertising in violation of  
10 the Unfair Competition Act. Bus & Prof. Code §§ 17200 *et seq.*

11           42. Defendants engage in business practices and policies that create systemic  
12 barriers to full and equal access for people with disability in violation of state and federal  
13 law.

14           43. The actions and omissions of Defendants are unfair and injurious to  
15 Plaintiff, a consumer of the Business' goods and services. As a result of Defendants'  
16 unfair business practice and policies, Plaintiff suffered injury in fact. Plaintiff was not  
17 provided with goods and services provided to other consumers. Plaintiff seeks relief  
18 necessary to prevent Defendants' continued unfair business practices and policies and  
19 restitution of any month that Defendants acquired by means of such unfair competition,  
20 including profits unfairly obtained.

21                           **FIFTH CAUSE OF ACTION**

22                           **NEGLIGENCE**

23           44. Plaintiff incorporates by reference each of the allegations in all prior  
24 paragraphs in this complaint.

25           45. Defendants have a general duty and a duty under the ADA, Unruh Civil  
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
27 to the Plaintiff.  
28

1 46. Defendants breached their duty of care by violating the provisions of ADA,  
2 Unruh Civil Rights Act and California Disabled Persons Act.

3 47. As a direct and proximate result of Defendants' negligent conduct, Plaintiff  
4 has suffered damages.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
7 Defendants as follows:

8 1. For preliminary and permanent injunction directing Defendants to comply  
9 with the Americans with Disability Act and the Unruh Civil Rights Act;

10 2. Award of all appropriate damages, including but not limited to statutory  
11 damages, general damages and treble damages in amounts, according to proof;

12 3. Award of all reasonable restitution for Defendants' unfair competition  
13 practices;

14 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this  
15 action;

16 5. Prejudgment interest pursuant to California Civil Code § 3291; and

17 6. Such other and further relief as the Court deems just and proper.  
18

19 **DEMAND FOR TRIAL BY JURY**

20 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
21 demands a trial by jury on all issues so triable.  
22

23 Dated: January 10, 2023

SO. CAL. EQUAL ACCESS GROUP

24  
25  
26 By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
27 Attorneys for Plaintiff  
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